

4/15/2024

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one drive

Attention
Pro Se office eastern district of New York

Response to motion to intervene response to Chris Smalls and Jeanne Mirren

Case # 23-05261

Brima Sylla
Vs
Amazon Labor Union

Submission by

The Amazon Labor Union's

Vice President Michelle Valentin Nieves

Email Michelle.valentin77@gmail.com
Phone 646 676 8304

FILED
IN CHIEF OFFICE
U.S. DISTRICT COURT E.D.N.Y.
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REC'D IN PRO SE OFFICE
APR 22 '24 PM 3:56



My name is Michelle Valentin Nieves. I am the Vice President of the Amazon Labor Union. I have worked at Amazon for five years and I know first hand how important the Union is to Amazon workers. The reason for my filing a motion to intervene is because this whole litigation process was and is supposed to be about the workers at Amazon and not about law firms installing the leaders of their choice under the color of the authority of the court. And whether the court can be misled into doing just that.

What has happened here is the court has presented a narrative that having an election where four people are running for the office of President, Vice President, Secretary Treasurer and Recording Secretary will somehow service the needs of approximately 8000 members. As the Vice President I know that 4 officers can not service our approximately 8000 members. So why would counsel for the reform slate and counsel for the ALU be in agreement in this type of election where only four officers can be selected by the approximate 8000 members in JFK8? The answer is because it is convenient for Jeanne Mirer to recoup her legal fees and Arthur Schwartz Counsel then gets to be the general counsel of the ALU, a coveted position in the Labor Movement. These maneuvers that have been performed by counsels here to achieve their end, approximately 8000k members of JFK8 members will suffer irreparable harm. The reason why I was removed at the last minute from settlement talks by both counsels was because in prior meetings I have said there has to more representation for the approximate 8000 members and as the Vice president I also have knowledge of the Constitution and Bylaws as I was directly involved with the representational structure that would adequately serve the 8000 members of JFK8 and it was not 4 people. In fact I was the recording secretary and have meeting minutes for the December 2022 meeting. The structure was in place and working and was effective. It placed checks and balances on all leadership that was in place. There was a functioning Expanded executive board that had members from departments within JFK8; there were 17 in total. In progress we had several departments. This was to ensure that members had representation on site if any issues were to arise and that the communication of the union would be able to be distributed to members

The other three members who are filing motions to intervene are former executive board members who were performing their duties of checks and balances of the leadership. Case and point we were addressing financial improprieties by President Smalls. And Counsel for the ALU and the reform caucus are fully aware of this and

as sworn officers of the court if the court ask them these questions they would have to answer truthfully.

The executive board became an obstacle to the leadership; their oversight was too vigilant and therefore they had to be removed. What also was taken away was representation from the approximate 8000 members of JFK8. This is why the efforts of Mr. Schwartz, Ms. Mirer and Mr. Levy are failing because the low participation of members at the mass membership meeting and voting for officer elections are because members are not seeing their representative in their areas nor is there anyone to represent members when they are interacting with management. There is no activity at the Union Hall the Union hall is now closed and only access is given via appointments

So why would the court not want to hear models of the representational structure that would service the needs of 8000 members and again it nots 4 people. The Court takes an oath to uphold the constitution of the United States where the forefathers of this great nation knew that there had to be checks and balances. So how could this court now after this matter has been explained in some detail want to install a 4 person leadership with no checks and balances?

My proposal is that a four person representational structure that was by counsel proposed for election be changed to the following:

Officers: President, Vice President, Secretary Treasurer and Recording Secretary

Executive Board Members (3) 2 members at large 1 PA from each department be executive board members

A departmental divisional Chair per Department (1) chair from each department day and night shift. and (2) vice chairs from each department for day and night shift. (1) Recording Secretary per Department This model will bolster participation for members to get involved with helping to lead the Union. Furthermore both counsels are experienced in Union elections and know the officer positions President, Vice President, Secretary Treasurer, Recording Secretary and the executive board positions are not subject to nominations but petitioning. These are covered under DOL and LMRDA.

It is important to note that the union's constitution and bylaws as well as any other union election rules for information regarding nomination procedures, candidate qualifications, and voter eligibility requirements must be conducted in accordance with provisions of our union's constitution and bylaws as long as they are not inconsistent with federal law. The Amazon Labor Unions Constitution and bylaws

has a Savings Clause so to protect us from being in violation of federal laws.

I am still the vice president of the Amazon Labor Union because the Amazon Labor Union Constitution and bylaws that Counsel Mirer and Singla created that has caused us to be in court in the first place govern how officers are removed. I have never been brought up on any charges or served with charges there is no record of due process being followed as per the constitution and bylaws. I was appointed vice president by president smalls and also voted in by the Executive Board on record

To date there have been no charges brought against me. The due process afforded to me by the bylaws and constitution which would allow me to mount a rigorous defense never happened therefore I am still the vice president. see Exhibit A

Officer removal

Constitution and by laws

This is about the approximately 8000 members of JFK8 that Counsel Mirer is supposed to represent however as you can see this is about her protecting her interest. I am not opposing elections simply requesting that democracy be made available to the members at large to participate in the Union they voted for and adequate representation.

I am a dissenter about how our members are being treated by our union. Our disagreements are not personal but about day to day operations and care of our members and enforcing the constitution and bylaws which governing our Union.

In conclusion, I am not opposing elections but what I am proposing is elections should adhere to the representational structure displayed below and that the members be adequately served. Furthermore the President sent me an email to make amends, and I offered him a resolution letter please see his email and my reply.

Exhibit B

Email from Chris smalls

Reply email from Ms Valentin Nieves

Ms Michelle Valentin Nieves
Vice President, founding officer of
The Amazon Labor Union

EXHIBIT A

Section 8.3 - Compensation

Whenever a member of this organization loses time from work when engaged in activities on behalf of the Union, and suffers a loss of income as a result thereof, the member may be compensated for their loss and expenses, provided, however, the member must have been duly authorized to so serve and act in writing and informed in writing that they would be reimbursed in an amount which the Executive Board shall, in its sole discretion, agree upon. Provided, further, neither compensation nor expenses shall be paid for attending membership meetings.

Section 8.4 - Dissolution

Upon dissolution of the Union, the Treasurer shall arrange for the timely payment of any and all outstanding bills and debt obligations due and owing by the Union. Should any funds remain in the treasury after the satisfaction of all outstanding bills and debt obligations, all such remaining assets shall be equitably distributed directly back to the membership.

Article 9 - Charges and Grievances

Section 9.1 - Basis for Charges

The basis for charges against officers and members of this organization for which they shall be required to stand trial as hereinafter provided shall consist of one or more of the following:

(a). Gross disloyalty to the ALU.

(b). Gross negligence, inefficiency, nonfeasance, misfeasance, or malfeasance, which shall or threaten to hinder or impair the interests of the Union.

(c). Misappropriation of union funds or property.

(d). Physical Abuse or threat of against a member.

Section 9.2 - Freedom of Deliberation and Assembly

It is not intended that members be precluded from participating in any deliberations in an orderly manner, nor to meet and assemble freely with other members and to express any views, arguments, or opinions; provided that such activities do not violate the responsibility of a member to the Union and the member's conduct does not interfere with the performance by the union of its legal and contractual obligations.

Article 10 - Trials and Appeals

Section 10.1 - Fair Treatment

Every member of this Union shall be entitled to fair, equal and impartial treatment in the application of its rules and laws and in the interpretation and application of its rules relating to offenses, trials and appeals. The fundamental principles of due process, notice, hearing and judgment shall be observed, without, however, requiring any technical formality such as is followed in courts of law and administrative bodies.

The provisions of this Article being guides for justice and fair play, to be administered by rank and file members who are not trained in the law, deviations from these procedures which do not substantially affect substantive rights of the members shall not suffice to invalidate any of the charges, trials or appeals.

Section 10.2 - Filing of Charges

When an officer or member in good standing prefers written charges against any other officer or member of the Union, the charges shall be in duplicate and be filed with the Recording Secretary of the Union. The charges shall be signed by the person preferring the charges and shall specify the provisions of the constitution to be relied upon or the agreement or rules alleged to have been violated or must otherwise set forth the specific violations or wrongs charged and the approximate date on which it is alleged to have occurred.

The Recording Secretary shall promptly notify the members of the Executive Board that charges have been filed and, after consultation with them, shall promptly set a date for a hearing and trial on said charges. Immediately thereafter, a copy of the charges shall be e-mailed to the accused, at their last known address. A written notice of the time and place where the hearing and trial will take place before the Trial Board, shall be e-mailed to the accused and to the charging party, not less than seven (7) days nor more than twenty (20) days before the date of said hearing and trial.

Section 10.3 - Trial Board

The members of the Executive Board of the Union shall constitute the Trial Board; except that neither the charging party nor the accused nor any member directly interested or involved in the charges may sit as a member of the Trial Board.

(a). In such cases, the President of the Union shall appoint a substitute or substitutes from the members in good standing. If the President is to be disqualified, then the Vice-President shall appoint a substitute or substitutes and if they are also to be disqualified, then the substitute shall be appointed by the remaining trial Board members.

(b). Where the charging party or the accused makes a request for a delay, the Trial Board may grant a postponement, for good cause shown.

Section 10.4 - Trial Procedure

The hearing and trial shall be conducted in an orderly, fair and impartial manner and should assure the full presentation of all the facts to the Trial Board.

(a). The burden of proof shall be on the charging party. If the charging party fails to appear, the charges shall be dismissed. If the accused fails to appear, the Trial Board shall proceed with the hearing and receive all the facts and evidence available.

(b). The charging party shall first present whatever evidence they possess to substantiate their charges. The accused shall have the right to be present and may be represented by any member in good standing throughout the trial and to cross-examine the charging party and any of their witnesses upon completion of their testimony. All evidence collected shall be shared with the accused.

(c). After the evidence in support of the charges has been received, the accused shall present their defense. The charging party shall have the right to cross-examine the accused and any of their witnesses upon completion of their testimony.

(e). The Trial Board shall audio record minutes of any trials and/or proceedings and this audio recording, together with any documents submitted, shall constitute the official record of the Trial Board.

Upon conclusion of the hearings, the Trial Board shall consider all of the evidence and arguments submitted and proceed to make its findings and decision by majority vote. It shall prepare a report of said findings and decision, which shall be signed by all members of the Trial Board. The Recording Secretary shall forthwith email a copy of said report to the charging party and the accused at their last known addresses.

Section 10.5 - Decisions and Penalties

The decisions and penalties imposed upon any member or officer found guilty of any of the charges as to which they have been tried, may consist of a reprimand, restitution, suspension, removal from office, or expulsion from membership, or order to do or perform or refrain from doing or performing specific acts, or any combination thereof.

Section 10.6 - Exhaustion of Remedies

**Chris Smalls**

To You

12:42 AM



Michelle I said you may stay and voice any and all concerns which took place all were welcomed. It would have been a great way for us to cordially express our concerns but the Federal monitor warned you not to disrupt the meeting several times the ALU did not call the police whatsoever it was the Hilton's staff I always say this you Me and You have never ever had any real issues that we can't talk about over the years I wish it didn't come to this but we have worked together in past and I hope we can STILL do so all I care about is a contract nothing more.



From: **Michelle Valentin** michelle.valentin77@gmail.com
Subject: **Collective Dedications and Service to Our Union .**
Date: **Feb 27, 2024 at 1:58:11 PM**

To: **Arthur Schwartz** aschwartz@afjlaw.com, **Terica**
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Dear President Smalls

"We have worked together in the past and I hope we can still do so all I care about is getting a contract."

If this is a real step toward righting your wrongs and reconciliation.

Firstly, it is crucial to clarify the nature of my access and responsibilities related to the Union's digital assets. Contrary to the claims made by Jeanne Mirer my involvement was strictly limited to "managing" the G-suite. Any assertions beyond this fact are inaccurate and misrepresent my role and intentions.

My dedication and service to the Union and its principles motivated me

**to report instances of workplace violence and financial impropriety ,
Such actions were taken not out of malice but from a place of concern
for the integrity and well-being of our organization. However, the
response to these actions has been deeply concerning. The narrative
that I am no longer the Vice President, alongside other forms of
interference with my duties, not only undermines my position but also
jeopardizes the functioning body and unity of the Union.**

**For the sake of our organization and its members, I urge you to
consider the following steps to rectify the current situation:**

- 1. Publicly retract any statements that question my role as Vice
President, thereby restoring my standing within the Union.**
- 2. Ensure that all forms of retaliation against me, in response to my**

reports of workplace issues, are ceased immediately.

3. Return any office keys and access I have been deprived of, allowing me to fully resume my duties as VP

4. Reinstate the executive board in its entirety, ensuring that the Union's leadership is united and functioning effectively and fairly .

The challenges we face can be discussed with open communication and a genuine commitment to resolving these issues, we can restore the integrity of our Union and focus on the important work ahead of us. The unity of our leadership and the full support of our funders are paramount to our success.

I remain dedicated to the Union's membership and its cause, ready to

work together to overcome these obstacles. Let us take this opportunity to reaffirm our commitment to each other to work in solidarity to get a contract.

And always remember this is about the Union and the members we serve.

In solidarity,

**Michelle Valentin-Nieves
Vice President**



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